

March 9, 2010

To: NITC Commissioners
From: Anne Byers
Subject: eHealth Council Report

State HIE Cooperative Agreement Program Update. In October, the State of Nebraska applied for \$6.8 million in funding from the State HIE Cooperative Agreement Program administered by the U.S. Department of Health and Human Services, Office of the National Coordinator. The Funding Announcement stated that awards would be announced in December and the program would begin in January. On Feb. 12, 2010, Secretary Sebelius announced awards to 40 states and territories. Nebraska was not among them. Many of these states have not started their planning yet. Others are ready to implement. We are providing additional information to the Office of the National Coordinator and are hopeful that we will receive funding soon.

Meaningful Use. Demonstrating “meaningful use” of certified electronic health records is central to ARRA-funded programs, including the State HIE Cooperative Agreement program. Criteria for demonstrating meaningful use are being developed by the Centers for Medicare and Medicaid Services (CMS). The Centers for Medicare and Medicaid Services issued a Notice of Proposed Rule Making on Dec. 30 which included requirements for demonstrating meaningful use of electronic health records.

Public comments are due March 15. The American Recovery and Reinvestment Act of 2009 authorizes the Centers for Medicare & Medicaid Services to provide reimbursement incentives for eligible professionals and hospitals who demonstrate “meaningful use” of certified electronic health records. Meaningful use will be phased in three stages. **The proposed requirements will be challenging for many providers—especially hospitals—to meet.** Nebraska’s statewide health information exchange is committed to providing the applications necessary for eligible providers and hospitals to meet Stage One requirements in year one. All providers, regardless of their ability to qualify for Medicaid or Medicare incentives, will be able to utilize the expanded services available through NeHII.

State eHealth Operational Plan Update. The eHealth Council’s eHealth Plan Work Group is continuing to work on an operational plan. In order to simplify planning, this operational plan focuses primarily on the first two years of Nebraska’s State HIE Cooperative Agreement Program. The eHealth Council recognizes that the full implementation of health information exchange and the achievement of meaningful use is broader and will take more than two years. It is anticipated that future plans will cover years three and four of the cooperative agreement. Due to rapid developments in health information technology and policies, this plan will likely need to be updated frequently. The state’s strategic plan will continue to take a broader view of eHealth and will also likely require frequent updating.

The operational plan reflects the changing health information exchange landscape in Nebraska.

- The **Nebraska Health Information Initiative (NeHII)** has added Mary Lanning Memorial Hospital in Hastings as well as a number of physicians in Omaha in addition to the original pilot participants-- Alegent Health, Children's Hospital and Medical Center, Methodist Health System, The Nebraska Medical Center, and BlueCross and BlueShield of Nebraska. Over 400 physicians and staff are currently participating in NeHII.
- The **Southeast Nebraska Behavioral Health Information Network (SNBHIN)** has selected a vendor is undertaking the planning necessary for implementation. SNBHIN plans to connect to

NeHII. SNBHIN will connect behavioral health providers in southeast Nebraska. As time and resources permit, SNBHIN plans to expand its services to other behavioral health regions.

- The **Western Nebraska Health Information Exchange** has ceased organizational activities. Providers in the Panhandle will be offered services from NeHII.
- The **Southeast Nebraska Health Information Exchange (SENHIE)** in Thayer County is pursuing connectivity through the National Health Information Network (NHIN) but has declined to participate in statewide health information exchange by connecting to NeHII.

We are making progress in planning how the statewide health information exchange will interact with Medicaid and public health. We have had a number of meetings with representatives of the Nebraska Division of Public Health as well as local health departments to develop a solution. The Division of Medicaid and Long-Term Care will be releasing an RFP to develop a Medicaid HIT Plan.

The eHealth Council reviewed sections of the plan at their meeting on March 5. The target date for completion of the operational plan is April 15.

Addressing Statutory Barriers to the Exchange of Health Information. The Health Information Security and Privacy Work Group of the eHealth Council reviewed Nebraska's laws to determine which laws—if any—were more restrictive than HIPAA. The group identified only one instance in which Nebraska's laws presented a barrier to the exchange of health information. Neb. Rev. Statute 71-8403 limits authorizations for the release of health information to 180 days. The 180 day limit is more restrictive than HIPAA and the laws of our neighboring states. LB 702, which was introduced by Senator Gloor, would remove the 180 day limit on the release of health information. LB 702 has been included in a proposed amendment (AM 2120) to LB 849. LB 849 is currently on General File.

Wide River Technology Extension Center. On Feb. 12, 2010, CIMRO of Nebraska was awarded \$6,647,371 by the Office of the National Coordinator to develop a health IT extension center to help primary care providers--especially those in small practices and those practicing in critical access hospitals—adopt electronic health records and to participate in health information exchange.

New Members. The following have been nominated as new members to the eHealth Council. Their nominations were approved by the eHealth Council on March 5. I will be asking you to approve their nominations.

- Steve Urosevich, Department of Corrections
- Lianne Stevens, The Nebraska Medical Center
- Sue Medinger, Department of Health and Human Services, Division of Public Health
- Joel Dougherty, OneWorld Community Health Centers
- TBA, CIMRO of Nebraska/Wide River Technology Center

Membership Renewals. The terms of the following members have expired. The eHealth Council approved their renewals on March 5. I will be asking you to approve their renewals.

- Joni Cover, Nebraska Pharmacists Association
- Donna Hammack, Nebraska Statewide Telehealth Network and St. Elizabeth Foundation
- Wende Baker, SNBHIN
- Kay Oestmann, Southeast District Health Department
- Susan Courtney, Blue Cross Blue Shield of Nebraska
- Alice Henneman, University of Nebraska-Lincoln Extension
- Kimberly Galt, Creighton University School of Pharmacy and Health Professions

Election of Co-Chair. Dr. Delane Wycoff was elected to serve as co-chair of the eHealth Council.